

REMARKS

Specification:

The amendments filed on June 15, 2006 and March 7, 2007 have been objected to under 35 U.S.C. 132(a) because the amendments allegedly introduce new matter into the disclosure. Specifically, the Office has asserted that the term "quality factor shift" in claims 56-66 was not supported by the original disclosure.

Applicants respectfully disagree. Claim 1, as originally filed, recites a definition of Q shift, wherein the term "Q" is defined as quality factor in the specification at page 3, line 30. As such, claims 56-66 do not introduce any new matter.

The amendment filed on March 7, 2007 have been objected to because claim 66 includes a recitation "resonant frequency shift." Claim 66 has been amended to replace the term "resonant frequency shift" with "quality factor shift."

In light of the foregoing, withdrawal of the objection to amendments filed on June 15, 2006 and March 7, 2007 is respectfully requested.

Election/Restrictions:

Applicants respectfully traverse the Restriction Requirement dated July 20, 2007. The Office divides the claims into four groups: Group I, including claims 22-30, 43, and 67; Group II, including claim 53; Group III, including claims 56-65 and 68; and Group IV, including claim 66.

However, the four groups of claims have been extensively examined on the merits and no changes to the claims represent a shift in invention that would justify a late restriction requirement. Specifically, prosecution of the subject matter of the

pending claims has spanned nearly a year, two Office actions, and two replies and an RCE. Amended claims in the last reply should not have changed circumstances. Under these circumstances, the Office cannot justify new restriction, particularly under the standards set forth in MPEP § 803, 811, 811.02 and 811.03 insofar as there can be no "serious burden" on the Office for the continued examination of the subject matter of these claims if the restriction is not imposed, and a late restriction has not "become proper" insofar as there has not been a change in circumstances.

The Restriction Requirement further requires election of one of the purportedly distinct inventions. For completeness, Applicants elect Group I, which includes claims 22-30, 43, and 67, with traversal, for examination at this time.

In light of the foregoing, Applicants respectfully request withdrawal of the restriction requirement and earnestly solicit issuance of a favorable action on the merits.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY LLP

Date: August 9, 2007

By: /Chung S. Park/
Chung S. Park
Registration No. 52,093

P.O. Box 1404
Alexandria, VA 22313-1404
650 622 2300